



02-20-04

PATENT
450101-02920

QAC
#11
PETITION
w/115
4/14/04
B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Taku YOKOYAMA
Serial No. : 09/914,280
For : INFORMATION TRANSMISSION SYSTEM,
INFORMATION TRANSMISSION METHOD,
ROBOT, INFORMATION RECORDING
MEDIUM, ON-LINE SALES SYSTEM, ON-LINE
SALES METHOD, AND SALES SERVER
Filed : February 1, 2002
Examiner : Marc McDieunel
Art Unit : 3661

745 Fifth Avenue
New York, NY 10151

EXPRESS MAIL

Mailing Label Number: EV287821501US

Date of Deposit: February 19, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Tech Centre 3600, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Charles Jackson
(Typed or printed name of person mailing paper or fee)

Charles Jackson
(Signature of person mailing paper or fee)

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GROUP 3600

**REQUEST FOR RECONSIDERATION AND RENEWED PETITION
TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.81**

Mail Stop: Tech Centre 3600
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Request for Reconsideration to Withdraw the Holding of Abandonment is being filed in response to the Decision on Petition rendered on February 4, 2004. The decision

states that Applicant provided proof by way of a copy of the "response ... filed on April 28, 2003 by facsimile transmission" (emphasis added) and a postcard return receipt of the timely filed response to the Office Action dated March 26, 2003. However, the Decision further states that a Statement under 37 CFR 1.8(b)(3) was not filed, notwithstanding the requirement for same.


It should be pointed out that, contrary to the assertions set out in the Decision, the response sent to the Office in reply to the March 26, 2003 Office Action was forwarded by first class mail and not by facsimile transmission. Thus, the postcard receipt can and should be used as evidence of timely filing. A statement attesting to the sending of that response by facsimile transmission is not appropriate because there was no facsimile transmission.

Nevertheless, a Statement under 37 CFR 1.8(b)(3) by William S. Frommer, attesting to the mailing of the response, is attached to this Request for Reconsideration. Petitioner respectfully requests that the Commissioner reconsider the Petition filed by facsimile on January 23, 2004, and withdraw the Holding of Abandonment on this application so that the prosecution of this application be allowed to continue.

It is believed that there no fees are required for this Request for Reconsideration, but if it is deemed to be otherwise, then the Commissioner is authorized to charge our Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:


William S. Frommer
Reg. No. 25,506
(212) 588-0800



THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Charles Jackson
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STATEMENT UNDER 37 CFR 1.8(b)(3)

Mail Stop: Tech Centre 3600
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


I, William S. Frommer, the attorney of record for the above-referenced application, hereby declare and make the following statements in support of a Renewed Petition to withdraw the Holding of Abandonment of the above-referenced Application.

I personally prepared a Response to the Office Action dated March 26, 2003, signed the Certificate of Mailing and the Response on April 28, 2003, and caused it to be mailed on the same day to the Patent and Trademark Office, as evidenced by the attached copy of the postcard receipt.

It is the practice of this law firm that all dated material be mailed out on the same day as the date it was signed, and I verily believe that the response to the Office Action was mailed on April 28, 2004, the date I signed the Certificate of Mailing.

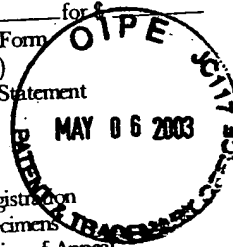
I further declare that all statements made herein of my own personal knowledge are true and that all statements made on information and belief are believed to be true.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: 
William S. Frommer
Reg. No. 25,506
(212) 588-0800



Serial No. 09/914,280 File No. 450101-02920 By USP
Title In the Matter of the Application of Takuo Yokoyama
The following due 4/26 in the U.S. Patent Office, was received in the Patent Office
☐ Affidavit ☐ Declaration
☐ Amendment
☐ Preliminary Amendment
☐ Amendment After Final Rejection
☐ Request for Extension of Time
☐ Provisional Patent Application
☐ Application for Patent, including
 Pages Specification Claims
☐ Declaration ☐ Oath ☐ Power
☐ Request for Filing Continuation or Divisional
 Application sheets, in duplicate
☐ File Wrapper Continuation Patent Application
 sheets, in duplicate
☐ PCT Request sheets, including
☐ Transmittal Letter to the US/RO
☐ Assignment ☐ Recordation Cover Sheet
☐ Express Mail Mailing Certificate
 (separate sheet)
☐ Check No. for \$
☐ Deposit Account Order Form
☐ Drawing Sheet(s)
☐ Information Disclosure Statement
☐ PTO Form 1449
☐ Issue Fee Transmittal
☐ Brief ☐ Letter
☐ Application for TM Registration
 Including Specimens
☐ Status Request ☐ Notice of Appeal
☐ Petition ☐ Response
☐ Priority Document
☐ Small Entity Declaration
☒ Response to Restriction



Mailed: 4/28/03

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